

ORDINANCE O-2011-40

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.08 OF THE MUNICIPAL CODE  
FOR THE CITY OF LONGMONT, COLORADO, TO ADOPT, BY REFERENCE, THE 2011  
EDITION OF THE NATIONAL ELECTRICAL CODE

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WHEREAS pursuant to Part 2 of Article 16 of Title 31, CRS, as amended, and Article  
IV, Municipal Charter of the City of Longmont, Colorado, the Longmont City Council has  
previously adopted, by reference, NFPA 70-National Electrical Code, 2008 Edition; and

WHEREAS the agency or organization by whom it was promulgated has revised or  
amended such code or statute after its previous adoption by reference; and

WHEREAS the Longmont City Council has determined, pursuant to section 4.10 of the  
Municipal Charter for the City of Longmont, to adopt that revised or amended version;

NOW THEREFORE, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO,  
ORDAINS:

Section 1

In this ordinance, unless the context otherwise indicates, material italicized or stricken  
through identifies, respectively, additions to or deletions from the Longmont Municipal Code or  
other codes adopted by reference.

Section 2

The Council amends § 16.08.010 of the Longmont Municipal Code, by adding italicized  
material and deleting stricken material, to read as follows:

1 16.08.010 National Electrical Code adopted.

2 Pursuant to Part 2 of Article 16 of Title 31, CRS, as amended, and Article  
3 IV, Municipal Charter of the city of Longmont, Colorado, there is adopted, as the  
4 Electrical Code of the city, by reference thereto, NFPA 70-National Electrical  
5 Code, ~~2008~~ 2011 Edition, including all annexes except annex H, published by the  
6 National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA  
7 02269, that Code to have the same force and effect as if set forth in this chapter in  
8 every particular, save and except such portions as are deleted, modified,  
9 substituted or amended in this chapter. The adopted Code includes comprehensive  
10 provisions and standards for practical safeguarding of persons and property from  
11 hazards arising from the use of electricity. All references in this Code to the  
12 National Electrical Code are to the edition referenced above.

13 Section 3

14 The Council amends § 16.08.020 of the Longmont Municipal Code, by adding italicized  
15 material and deleting stricken material, to read as follows:

16 16.08.020 Copies of Code--Filing for public inspection--Sale.

17 At the time of adoption, one certified true copy of the National Electrical  
18 Code, ~~2008~~ 2011 Edition, published by the National Fire Protection Association,  
19 Inc. is on file in the office of the city clerk and may be inspected by any interested  
20 person between eight a.m. and five p.m., Monday through Friday, holidays  
21 excepted. The Electrical Code, as finally adopted, is available for sale at the office  
22 of the city clerk, at a price reflecting cost to the city as established by the city

manager, pursuant to this Municipal Code. The city shall keep a copy of the adopted Code in the office of the chief enforcement officer for public inspection.

#### Section 4

The Council amends the Longmont Municipal Code by repealing the following stricken sections.

~~16.08.030 — Article 90.8 amended Wiring Planning~~

~~— Article 90.8 of the National Electrical Code is amended to read as follows:~~

~~Where there exists an unfinished area in a residential dwelling unit that could later be finished, and access to the load center, panel board, smoke detectors, telephone demark or cable TV demark will be obstructed by building finish, ample circuitry or spare raceways to meet code minimums shall be provided to a junction box and clearly identified as future use in the unfinished area for each system.~~

#### Section 5

The Council amends chapter 16.08 of the Longmont Municipal Code by adding italicized material and deleting stricken material, to read as follows:

~~16.08.040 030~~ Article 300.5 (C) amended Underground Cables Under Buildings.

Article 300.5 (C) of the National Electrical Code is amended to read as follows:

(C) Underground Cables Under Buildings. Underground cable installed under a building, concrete, asphalt or any finished walking or driving surface shall be in a raceway.

1 Section 6

2 The Council amends the Longmont Municipal Code by repealing the following stricken  
3 sections.

4 ~~16.08.050 Article 406.11 amended Tamper Resistant Receptacles in~~  
5 ~~Dwelling Units.~~

6 ~~Article 406.11 of the National Electrical Code is amended to read as~~  
7 ~~follows:~~

8 ~~406.11 Tamper Resistant Receptacles in One and Two Family Dwelling Units~~  
9 ~~and Group E, R-1, R-2, R-3, and I-2 Occupancies. In all areas specified in~~  
10 ~~210.52, all 15 and 20 ampere receptacles located 48 inches or less above the~~  
11 ~~floor, as measured around installed countertops and readily accessible, shall be~~  
12 ~~listed as tamper resistant receptacles.~~

13 Section 7

14 The Council amends the Longmont Municipal Code by repealing the following stricken  
15 sections.

16 ~~16.08.060 040 Purpose; Scope.~~

17 A. Purpose. The purpose of this article is to provide requirements for  
18 administration and enforcement of the *National Electrical Code*.

19 B. Scope.

20 1. The inspection of electrical installations as covered by Article 90.2  
21 of the Code.

22 2. The investigation of fires caused by electrical installations.

1           3.     The review of construction plans, drawings, and specifications for  
2     electrical systems.

3           4.     The design, alteration, modification, construction, maintenance,  
4     and testing of electrical systems and equipment.

5           5.     The regulation and control of electrical installations at special  
6     events including, but not limited to, exhibits, trade shows, amusement parks, and  
7     other similar special occupancies.

8     16.08.070 050 Application.

9           A.     New Installations.   This Code applies to new installations.  
10    Buildings with construction permits dated after adoption of this Code shall  
11    comply with its requirements.

12          B.     Existing Installations.

13          1.     Existing electrical services if altered or modified shall meet current  
14    Code requirements.

15          2.     When structures are remodeled and the framing exposed through  
16    demolition, all accessible electrical wiring shall be brought up to current Code  
17    requirements.

18          3.     All wiring including low voltage cable shall be removed if no  
19    longer in use.

20          C.     Additions, Alterations, or Repairs.

21          1.     Additions, alterations, or repairs to any building, structure, or  
22    premises shall conform to that required of a new building without requiring the  
23    existing building to comply with all the requirements of this Code.

2. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the city.

3. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the Code in force at the time the additions are made.

16.08.080 060 Occupancy of Building or Structure.

A. New Construction. No newly constructed building shall be occupied in whole or in part in violation of the provisions of this Code.

B. Existing Buildings. Existing buildings that are occupied at the time of adoption of this Code shall be permitted to remain in use provided the following conditions apply:

1. The occupancy classification remains unchanged.

2. There exists no condition deemed hazardous to life or property that would constitute an imminent danger.

16.08.090 070 Authority.

A. This Code shall be administered and enforced by the city chief building official or designees.

B. The city may render interpretations of this Code in order to provide clarification to its requirements, as permitted by Article 90.4 of this Code.

1. The city may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety. Technical documentation shall

1 be submitted to the city to demonstrate equivalency and that the system, method,  
2 or device is approved for the intended purpose.

3 2. Each application for a waiver of a specific electrical requirement  
4 shall be filed with the city and shall be accompanied by such evidence, letters,  
5 statements, results of tests, or other supporting information as required to justify  
6 the request. The city shall keep a record of actions on such applications, and a  
7 signed copy of the city's decision shall be provided for the applicant.

8 C. Disconnection. When the use of any electrical equipment or its  
9 installations is found to be dangerous to human life or property, the city is  
10 empowered to have the premises disconnected from its source of electric supply.

11 1. When such equipment or installation has been so condemned or  
12 disconnected, a notice shall be placed thereon listing the causes for the  
13 condemnation, the disconnection, or both, and the penalty for the unlawful use  
14 thereof. Written notice of such condemnation or disconnection and the causes  
15 therefore shall be given within 24 hours to the owners, the occupant, or both, of  
16 such building, structure, or premises.

17 2. It is unlawful for any person to remove said notice, to reconnect  
18 the electrical equipment to its source of electric supply, or to use or permit to be  
19 used electric power in any such electrical equipment until such causes for the  
20 condemnation or disconnection have been remedied to the satisfaction of the  
21 inspection authorities.

22 D. Inspection. The city is authorized to inspect, at all reasonable  
23 times, any building or premises for dangerous or hazardous conditions or

1 equipment as set forth in this Code. The city is permitted to order any person(s)  
2 to remove or remedy such dangerous or hazardous condition or equipment. Any  
3 person(s) failing to comply with such order shall be in violation of this Code.

4 1. The city shall investigate the cause, origin, and circumstances of  
5 any fire, explosion, or other hazardous condition.

6 2. The city shall order the immediate evacuation of any occupied  
7 building deemed unsafe when such building has hazardous conditions that present  
8 imminent danger to building occupants.

9 16.08.100 080 Records and Reports.

10 The city shall keep a record of all electrical inspections, including the date  
11 of such inspections and a summary of any violations found to exist, the date of the  
12 services of notices, and a record of the final disposition of all violations. All  
13 required records shall be maintained under the city's records retention policy.

14 16.08.110 090 Permits and Approvals.

15 A. Permit Required; Applications.

16 1. Applications for permits shall be made to the city on forms  
17 provided, shall include the applicant's answers in full to inquiries set forth on  
18 such forms, and shall be accompanied by such data as required by the city.

19 2. The city shall review all applications submitted and issue permits  
20 as required. If an application for a permit is rejected by the city, the applicant  
21 shall be advised of the reasons for such rejection.

22 3. Exceptions: No permit shall be required to execute any of the  
23 following classes of electrical work:



1           a.       Installation or replacement of equipment such as lamps and of  
2       electric utilization equipment approved for connection to suitable permanently  
3       installed receptacles. Replacement of flush or snap switches, fuses, lamp sockets,  
4       and receptacles, and other minor maintenance and repair work, such as replacing  
5       worn cords and tightening connections on a wiring device.

6           b.       The process of manufacturing, testing, servicing, or repairing  
7       electrical equipment or apparatus.

8           B.       Plan Review.     For new construction, modification, or  
9       rehabilitation, the city shall review the applicant's construction documents and  
10      drawings.

11          1.       It is the responsibility of the applicant to ensure that the  
12      construction documents:

13          a.       Include all of the electrical requirements.

14          b.       Are correct and in compliance with the applicable codes and  
15      standards.

16          c.       Meet all provisions of Longmont Electrical Plans Requirements  
17      available at 385 Kimbark Street, Longmont, Colorado at the Building Inspection  
18      office.

19          2.       Where field conditions necessitate any substantial change from the  
20      approved plan, the city shall require that the corrected plans be submitted for  
21      approval.

22          3.       Review and approval by the city shall not relieve the applicant of  
23      the responsibility of compliance with this Code.

1 C. Content; Posting. Permits issued by the city shall indicate the  
2 following:

- 3 1. Operation or activities for which the permit is issued.
- 4 2. Address or location where the operation or activity is to be  
5 conducted.
- 6 3. Name and address of the permittee.
- 7 4. Contractor's name, state of Colorado license number, address and  
8 daytime phone number.
- 9 5. Permit number and date of issuance.
- 10 6. Period of validity of the permit.
- 11 7. Inspection requirements.
- 12 8. A copy of the permit shall be posted or otherwise readily  
13 accessible at each work site or carried by the permit holder as specified by the  
14 city.

15 D. Scope.

- 16 1. The permit shall be issued to one person or business only and for  
17 the location or purpose described in the permit. Any change that affects any of  
18 the conditions of the permit shall require a new or amended permit.
- 19 2. Activity authorized by a permit issued under this Code shall be  
20 conducted by the permittee or the permittee's agents or employees in compliance  
21 with all requirements of this Code and in accordance with the approved plans and  
22 specifications.
- 23 3. No permit issued under this Code shall be interpreted to justify a

1 violation of any provision of this Code or any other applicable law or regulation.

2 4. Any addition or alteration of approved plans or specifications shall  
3 be approved in advance by the city, as evidenced by the issuance of a new or  
4 amended permit.

5 5. No Colorado state licensed electrical contractor shall work under a  
6 homeowners permit.

7 6. Homeowner may perform his own wiring provided the following is  
8 true:

9 a. The work is personally performed by the homeowner;

10 b. The property is not for sale or is not rental property which is  
11 occupied or to be occupied by tenants for lodging, either transient or permanent in  
12 nature, and is not generally open to the public.

13 c. All work must be inspected prior to covering and again upon  
14 completion of the system prior to occupancy and permanent power release.

15 d. All work complies with the Code.

16 E. Permit Expiration; Extensions.

17 1. Every permit issued shall expire unless the work on the site  
18 authorized by such permit is commenced within 180 days after its issuance, or if  
19 the work authorized on the site by such permit is suspended or abandoned for a  
20 period of 180 days after the time the work is commenced.

21 2. The city may grant an extension of the permit time period upon  
22 presentation by the permittee of a satisfactory reason for failure to start or  
23 complete the work or activity authorized by the permit.

1 F. ~~Annual Permits. In lieu of an individual permit for each~~  
2 ~~installation or alteration, an annual permit shall, upon application, be issued to~~  
3 ~~any person, firm, or corporation regularly employing one or more employees for~~  
4 ~~the installation, alteration, and maintenance of electrical equipment in or on~~  
5 ~~buildings or premises owned or occupied by the applicant for the permit. Upon~~  
6 ~~application, an electrical contractor as agent for the owner or tenant shall be~~  
7 ~~issued an annual permit. The applicant shall keep records of all work done, and~~  
8 ~~such records shall be transmitted periodically to the chief building official.~~

9 ~~——G.——~~ Fees. Permit fees shall be established by a resolution of the city  
10 council.

11 16.08.120 100 Inspection and Approvals.

12 A. Upon the completion of any installation of electrical equipment  
13 that has been made under a permit other than an annual permit, it shall be the duty  
14 of the person, firm, or corporation making the installation to notify the chief  
15 building official having jurisdiction, who shall inspect the work within a  
16 reasonable time.

17 B. Where the city finds the installation to be in conformity with all  
18 applicable statutes, local ordinances and other rules and regulations, the building  
19 official shall issue to the person, firm, or corporation making the installation a  
20 certificate of approval, with duplicate copy for delivery to the owner, authorizing  
21 the connection to the supply of electricity and shall send written notice of such  
22 authorization to the supplier of electric service.

23 C. When any portion of the electrical installation is to be hidden from

1 view by the permanent placement of parts of the building, the person, firm, or  
2 corporation installing the equipment shall notify the chief building official, and  
3 such equipment shall not be concealed until it has been approved by the chief  
4 building official, provided that on large installations, where the concealment of  
5 equipment proceeds continuously, the person, firm, or corporation installing the  
6 equipment shall give the chief building official due notice in advance, and  
7 inspections shall be made periodically during the progress of the work.

8 D. If, upon inspection, any installation is found not to be fully in  
9 conformity with the provisions of this Code, and all applicable statutes,  
10 ordinances, rules, and regulations, the chief building official shall forward to the  
11 person, firm, or corporation making the installation a written notice stating the  
12 defects that have been found to exist.

13 16.08.430 110 Revocation of Permits; Stop Work Orders.

14 A. Revocation of Permits.

15 1. The chief building official may revoke any permit, after notice,  
16 when it is determined that either:

17 a. There is a material departure from the approved plans,  
18 specifications, or conditions of the permit;

19 b. There is a violation of any provision of this Code;

20 c. The permit or approval was obtained by false representation; or

21 d. The permit was issued in error.

22 2. The city shall serve written notice of revocation upon the owner,  
23 the owner's agent, the applicant, or other person to whom the permit was issued,

1 or such notice may be posted in a prominent location at the place of the violation.  
2 The notice shall state the allegations of noncompliance and of the permit holder's  
3 right to appeal the revocation to the Master Board of Appeals.

4 3. Appeals shall be governed by chapter 16.30 of the Longmont  
5 municipal code.

6 4. No work or construction shall proceed after service of the  
7 revocation notice.

8 B. Stop Work Order. With or without revoking permits, the chief  
9 building official may issue an order to stop work on any property on which there  
10 is an uncorrected violation of this Code. The stop work order shall specify the  
11 Code provisions allegedly being violated. After a stop work order is served, no  
12 work shall proceed on any building or other structure covered by such order,  
13 except to correct such violation or comply with the order.

14 16.08.140 120 Violations, Penalties.

15 A. Unlawful acts. It is unlawful for any person to erect, install, alter,  
16 repair, relocate, add to, replace, demolish, use, occupy or maintain any building or  
17 structure, or cause or permit the same to be done, in violation of this code.

18 B. Violation. Any person committing or permitting a violation of this  
19 code commits a separate offense for each day or part of a day during which the  
20 violation exists.

21 C. Violation penalties.

22 1. Offenses are punishable according to Chapter 1.12 of the  
23 Longmont municipal code.

1           2.       Imposition of one penalty for any violation shall not excuse the  
2 violation nor permit it to continue, and all such persons shall correct or remedy  
3 such violations or defect within a reasonable time.

4           D.       Public Nuisance. In addition to any other penalties, any violation  
5 of this code is a public nuisance and shall be enjoined by a court of competent  
6 jurisdiction. Nothing in this code shall prevent the city attorney from seeking  
7 appropriate legal or equitable relief from any court of competent jurisdiction.

8       16.08.150 130 Liability for Damages.

9           Article 16.08 shall not be construed to affect the responsibility or liability  
10 of any party owning, designing, operating, controlling, or installing any electrical  
11 equipment for damages to persons or property caused by a defect therein, nor  
12 shall the city of Longmont or any of its employees be held as assuming any such  
13 liability by reason of the inspection, reinspection, or other examination  
14 authorized.

15   Section 8 Validity.

16       To the extent only that they conflict with this ordinance, the council repeals any  
17 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and  
18 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.  
19 Neither the adoption of this ordinance nor its action repealing or amending any other ordinance  
20 of the City of Longmont shall, in any manner affect prosecution for violations of ordinances  
21 committed before the effective date of this ordinance. This ordinance shall not waive any  
22 license, fee or penalty due and unpaid under pre-existing ordinances on its effective date. This  
23 ordinance shall not affect any pre-existing ordinances on the collection of any license, fee or  
24 penalty, or the penal provisions applicable to any violation thereof. This ordinance shall not  
25 affect the validity of any bond or cash deposit required under any ordinance. All rights and  
26 obligations under such security shall continue in full force and effect.

27  
28       Introduced this 14<sup>th</sup> day of June, 2011.

29  
30       Passed and adopted this 28<sup>th</sup> day of June, 2011.  
31

1  
2  
3  
4 ATTEST:

5  
6  
7  
8 CITY CLERK



  
MAYOR

9  
10 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT  
11 7:00 P.M. ON THE 28th DAY OF June, 2011, IN THE  
12 LONGMONT COUNCIL CHAMBERS.

13  
14 APPROVED AS TO FORM:

15  
16  
17   
18 DEPUTY CITY ATTORNEY

6/7/11  
DATE

19  
20  
21   
22 PROOF READ

6/7/11  
DATE

23  
24 APPROVED AS TO FORM AND SUBSTANCE:

25  
26  
27   
28 ORIGINATING DEPARTMENT

6/7/11  
DATE

29  
30 CA file: 8529